

**AMENDMENTS TO THE CLAIMS:**

This listing of the claims will replace all prior versions, and listings, of the claims in this application.

**Listing of Claims:**

1. (Currently Amended) An apparatus, comprising:  
~~a user input configured to cause an incoming call to be answered;~~  
~~an audio output section configured to alert a user by playing a musical audible alert;~~  
and  
~~a controller; and econfigured to control,~~  
~~a memory,~~  
~~the controller, in conjunction with the memory, configured to cause the apparatus to perform actions as follows:~~  
~~the audio output section to terminate the musical audible alert while it is being played,~~  
~~wherein~~  
~~cause an the audio output section to terminate a terminates the musical audible alert while the musical audible alert it is being played, in response to the user input or after the musical audible alert has been playing for more than a predetermined threshold duration, by playing a replacement musical sequence, where the replacement musical sequence is played as a conclusion of the musical audible alert.~~
2. (Cancelled).
3. (Previously Presented) The apparatus as claimed in claim 1, wherein the audio output section comprises a synthesizer.
4. (Previously Presented) The apparatus as claimed in claim 3, wherein the synthesizer processes a data stream representative of the musical audible alert in real time.
5. (Previously Presented) The apparatus as claimed in claim 4, wherein the audio

output section is arranged to vary the data stream in real time to introduce the replacement musical sequence.

6. (Previously Presented) The apparatus as claimed in claim 3, wherein the synthesizer is polyphonic.

7. (Currently Amended) The apparatus as claimed in claim 1, wherein the memory is configured to store comprising a memory storing a file for producing the musical audible alert.

8. (Previously Presented) The apparatus as claimed in claim 7, wherein the file comprises a series of conditional branch markers, each marker indicating a time for a conditional branch to a replacement musical sequence.

9. (Previously Presented) The apparatus as claimed in claim 1 further comprising a radio transceiver configured to download data representing the replacement musical sequence.

10. (Currently Amended) The apparatus as claimed in claim 1, wherein the replacement musical sequence is of limited duration ~~and concludes the musical audible alert~~.

11. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence is pre-determined.

12. (Previously Presented) The apparatus as claimed in claim 11, wherein the replacement musical sequence is stored in a musical instrument digital interface track of a musical instrument digital interface file.

13. (Previously Presented) The apparatus as claimed in claim 1 wherein the audio output section is configured to terminate the musical audible alert by introducing and playing any one of a plurality of pre-determined replacement musical sequences.

14. (Previously Presented) The apparatus as claimed in claim 13, wherein each individual one of the plurality of pre-determined replacement musical sequences is associated with a particular portion of the musical audible alert.
15. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence is automatically generated.
16. (Previously Presented) The apparatus as claimed in claim 15, wherein the generated replacement musical sequence is dependent upon information characterizing the musical qualities of the musical audible alert.
17. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence varies any one or more of: the arrangement of the musical audible alert; the music of the musical audible alert; the tempo of the musical audible alert; and the volume of the musical audible alert.
18. (Previously Presented) The apparatus as claimed in claim 1, wherein the replacement musical sequence when played fades out the musical audible alert while it is being played.
19. (Previously Presented) The apparatus as claimed in claim 1 operable as a mobile telephone.
20. (Previously Presented) A mobile telephone, comprising:  
an audio output section configured to alert a user to an incoming call by playing a musical audible alert;  
a user input configured to cause an incoming call to be answered; and  
a controller, responsive to the user input, configured to control the audio output section to terminate the musical audible alert while the musical audible alert is being played, in response to the user input or after the musical audible alert has been playing for more than

a predetermined threshold duration, by playing a replacement musical sequence, where the replacement musical sequence is played as a conclusion to the musical audible alert.

21. (Previously Presented) The mobile telephone as claimed in claim 20, further comprising a radio transceiver wherein the controller, responsive to the user input, controls the radio transceiver, after a delay, to accept the incoming telephone call.

22. (Previously Presented) A memory embodying a data file comprising a replacement musical sequence to be played to terminate an electronic device musical audible alert while the musical audible alert is being played, the replacement musical sequence being played in response to a user input or after the musical audible alert has been playing for more than a predetermined threshold duration, where the replacement musical sequence is played as a conclusion to the musical audible alert.

23. (Previously Presented) The memory embodying a data file as claimed in claim 22 , the data file further comprising additional replacement musical sequences.

24. (Previously Presented) The memory embodying a data file as claimed in claim 22, the data file further comprising the musical audible alert for the electronic device.

25. (Previously Presented) The memory embodying a data file as claimed in claim 24, the data file further comprising a plurality of conditional branching markers each of which is associated with a replacement musical sequence.

26. (Currently Amended) A memory embodying a musical data file, configured to produce for producing a musical audible alert in an electronic device, the musical data file comprising a plurality of conditional branching markers each of which is associated with a replacement musical sequence to be played to terminate the musical audible alert while it is being played, where the replacement musical sequence associated with a particular position of the musical audible alert is being played in response to a user input or after the musical audible alert has been playing for more than a predetermined threshold duration, where the

replacement musical sequence is played as a conclusion to the musical audible alert.

27. (Cancelled)

28. (Currently Amended) An apparatus, comprising:  
a controller; and  
a memory configured to store storing a plurality of musical audible alerts each of which comprises a replacement musical sequence,  
the controller, in conjunction with the memory, configured to cause the apparatus to perform actions as follows:  
detect termination of a time out period that is started upon detection of an initiation of an incoming call;  
detect answering of the incoming call;  
terminate for terminating an electronic device a musical audible alert while the musical audible alert is being played at the apparatus when at least one termination of the time out period is detected and the incoming call is answered, the musical audible alert being downloadable from a server to the apparatus via a communication network electronic device; and  
play where the replacement musical sequence is played as a conclusion of the musical audible alert; and  
a server readable coupled to the memory and configured to respond to a request to download, to the electronic device via a communication network, at least one musical audible alert from the memory.

29. (Currently Amended) An apparatus, comprising:  
a controller; and  
a memory configured to store storing a plurality of musical data files for playing a mobile telephone musical alert, each of the stored musical data files comprising at least one conditional branching markers wherein each of the conditional branching markers is associated with a replacement musical sequence,  
the controller, in conjunction with the memory, configured to cause the apparatus to

perform actions as follows:

initiate a particular replacement musical sequence associated with a particular one of the conditional branching markers;

play where the particular replacement musical sequence is played as a conclusion of the associated musical audible alert; alert, where a particular replacement musical sequence associated with a particular one of the conditional branching markers is initiated and played to

terminate playing of the associated musical audible alert while the associated musical audible alert is being played at the mobile telephone; and

a server, for downloading a musical data file from the memory to the mobile telephone, responsive to a request.

30. (Previously Presented) A method, comprising:

determining a call is incoming;

while playing by a controller an original musical audible alert and setting a timer when the incoming call is determined,

determining if there has been the call has been answered;

if it is determined that the call has not been answered, then determining if the timer has timed out;

if it is determined the timer has timed out or if it is determined that the call has been answered,

in response to a user input or after the musical audible alert has been playing for more than a predetermined threshold duration, replacing the original musical audible alert with a replacement musical sequence, where the playing a replacement musical sequence is played as a conclusion of the musical audible alert, thereby terminating the playing of the original musical audible alert; and

playing by the controller the replacement musical sequence.

31. (Currently Amended) A method, comprising:

detecting by a transceiver that a mobile telephone has an incoming call;

starting a time out period upon detecting the incoming call;

starting the playing by a controller of a musical audible alert;  
detecting by the controller a user input generated for answering the call;  
detecting expiration of the time out period; and  
in response to detecting at least one of the user input and the expiration of the time out period, terminating by the controller the playing of the musical audible alert by playing a replacement musical sequence, where the replacement musical sequence is played as a conclusion of the musical audible alert.

32. - 33. (Cancelled)